

REMARKS

The Examiner's action dated February 28, 2006, has been received, and its contents carefully noted.

Summary of substance of telephone interview

Appreciation is expressed to Examiner Simone for his courtesy and constructive assistance doing the telephone interview held with undersigned counsel on June 1, 2006. The substance of that interview is the following:

The present invention is directed to a toaster that is composed essentially of a case and a base, the base being removably connectable to the case. A "base", according to its usual and ordinary meaning, and according to the meaning disclosed in the present application, performs a supporting function; in this case, the base supports the case.

The prior art rejection is based on an interpretation of the applied reference that equates a slideable crumb tray to the claimed base. Of course, a slideable crumb tray cannot possibly perform a supporting function, and it cannot be said that any part of the prior art toaster rests on the crumb tray, otherwise the crumb tray could not perform its intended function, and in particular could not slide out of the toaster, as required by the reference disclosure.

In view of the fact that crumb tray 8 of the reference cannot perform a supporting function, it was agreed during the telephone interview that if claim 1 were amended to specify that the base supports the case all of the claims would be considered to distinguish patentably over the applied reference. Accordingly, claim 1 has been so amended by the present amendment.

* * * *

It should be noted that claim 2 already specifies that the case is mounted on the base.

It should further be noted that claim 10 specifies that "said case rests on said base".

Despite the assertion presented in the last Office Action, it is abundantly clear that no part of the toaster disclosed in the reference can possibly be considered to rest on the crumb tray, for the simple reason that this would prevent movement the intended sliding movement of the crumb tray relative to the toaster case.

Claim 11 further distinguishes over the applied reference by its recitation that the base is connected to the case by a pivoting movement of the case relative to the base. Contrary to the assertion presented in support of the rejection of claim 11, the structure of the toaster disclosed

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in the reference is such that the crumb tray cannot be pivoted relative to any other part of the toaster.

In view of the foregoing, and in view of the agreement reached during the personal interview with the Examiner, it is requested that the present amendment be entered, that claims 1-11 be allowed and that the application be found in allowable condition.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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